



## **The Electoral College: In Defense of an Imperfect College**

*May 1, 1977 – By Michael C. Maibach*

The Electoral College met December 13, 1976 to ratify the election of Jimmy Carter. As it is customary, Carter's election has prompted fresh calls for the elimination of the Electoral College. Before it is summarily abolished, however, the Electoral College rates another assessment of its effectiveness.

There are two major arguments against the current system. The first is that the Electoral College has permitted the election of three Presidents who trailed their opponents in the nation's popular vote (John Quincy Adams in 1824, Rutherford B. Hayes in 1888). Such results are considered unacceptable in our democratic republic.

Second, the foes of the Electoral College argue that it unfairly cancels out the votes in each state that are not cast for that state's presidential winner. It might be argued that if the second-place candidate receives 45 percent of the popular vote in Illinois, then that candidate should receive 45 percent of our 26 electoral votes. The winner- take- all provision is also considered undemocratic.

The best way to consider the merits of the Electoral College is perhaps to consider the consequences of abolishing it. Without the Electoral College, for example, how would the winner of a presidential election be determined? The candidate who received over 50 percent of the vote might be declared the winner, but that would create a whole new set of problems. Very often, no single candidate receives a majority of the vote. In the 49 presidential elections since 1789, 15 "winners" failed to receive the magic 50 percent. Abraham Lincoln received only 39.8 percent of the popular vote in 1860; Woodrow Wilson, 41.8 in 1912; Harry Truman, 49.6 in 1948; and John F. Kennedy, 49.7 in 1960. These men did, however, assume the presidency because all of them received a majority of the Electoral College vote.

Critics of the Electoral College must first ask themselves: if 50% is not practical, what percentage of the vote would be an acceptable determinant--- 45%? 40%? Any plurality? An acceptable answer will be difficult to find, especially since American presidential elections are traditionally tight contests.

Imagine a case where only the popular vote is counted. In 1912, Eugene Debs, the Socialist candidate, received 6 percent of the popular vote and no Electoral College votes. It is conceivable that he might have under other circumstances caused Woodrow Wilson and Theodore Roosevelt to tie with 47

percent of the popular vote. Perhaps only 58,000 votes separated the two men and the loser legally demanded and received a national recount. Even accepting the possibility of corruption and lost ballots, the recount process in all 48 states would have taken days and even then, perhaps never satisfactorily been resolved. The Electoral College system has rarely given rise to request a recount in even one state because such an action would seldom have made any difference in the final results. (The decisions made by two Republicans--- Richard Nixon in Illinois in 1960 and Gerald Ford in Hawaii and Ohio in 1976--- are of course significant exceptions.)

If a plurality is unacceptable, would a runoff then be necessary with all its contingent problems and expenses? Imagine the chaos that might have ensued had Lincoln's 1860 election been referred instead to a runoff while the nation headed toward civil war. That election is a perfect example of the beneficial effects of the Electoral College. In a sense, it creates a majority for each President regardless of his margin of victory. The systems lend an aura of victory to the election of even a candidate with 39.8 percent of the vote--- such as Lincoln. It legitimizes the winner's mandate no matter how close the election. Without the Electoral College, the people in 1860 might have dwelled on the fact that six of every ten Americans did not vote for Lincoln. Lincoln fashioned his victory in the Electoral College, receiving 180 votes compared to the 72 for his closest rival, John Breckinridge.

The second criticism of the Electoral College is that it ignores the losing votes in each state. Yet, without the Electoral College, the same phenomenon would be observed on a national scale. If the second-place candidate received 45 percent of the national vote, is it any less "unfair" to discount those votes in declaring the man with 55 percent the winner? Whether on statewide or national scale, it is still the concept of majority rule at work. Every election is won by the persons with the most votes without any concrete return to those who voted in the minority.

If the Electoral College were abolished, it would be a blow against our federal system. Our whole legal and political system rests upon the idea of a nation composed of 50 socio- political communities called "states." Our 50 political communities, under the Electoral College plan, vote for the President, community by community.

The Founding Fathers built a remarkable and successful national government with three distinct branches. One, the Congress, is elected directly by the people. The second, the President, is elected by the people, state by state. The third, the Supreme Court, is appointed jointly by the two other branches. Because of their separate and distinct forms of selection from the same constituency, the three branches offer real balance and creative diversity found in no other government in the world.

The abolition of the Electoral College would put that great federal idea into question. It would undermine the role of our two- party system, which rests on the strengths of 50 individual state parties. Without the electoral vote scheme, presidential candidates would not campaign to win the votes of

states as units. Rather, they would, more so than today, concentrate their efforts in urban, industrial regions.

Finally, the Electoral College ensures a truly national campaign. Regional and extremist parties cannot win nor make much impact unless they campaign across the entire nation. The Founding Fathers gave thought to the possibility that one large state, region, or group might control the Presidency. The Electoral College reduces that change by spreading the electoral votes out more evenly among the states and regions. For example, Eugene Debs received 900,000 votes in 1912. Although that is six percent of the votes cast that year, he received no electoral votes because his support was not sufficiently broad. Without the Electoral College, his Socialist candidacy's six percent could have been the deciding factor in a purely popular election. Instead, the Electoral College brought balance and moderation to the election results, as well as a clear victor, Woodrow Wilson.

The Electoral College holds certain problems for our political system. So do the alternatives. The Electoral College has served the nation well. Only eight electors have not followed the wishes of the people of their states. That is only eight of 16,168 cast since 1820. And those eight never changed the election results.

Our Constitution is the world's oldest and most successful written political document. We have chosen to amend it only 26 times in 200 years. The Electoral College is an important part of that document. As Alexander Hamilton said of the Constitution, "... if the manner of it be not perfect, it is at least excellent."

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Contributor Note: Michael Maibach was an Alternate Delegate to the 1976 Republican National Convention and is a member of the Ripon Society's National Governing Board.